

APPEAL NO. 030633
FILED APRIL 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 13, 2003. The hearing officer determined that respondent (claimant) sustained a repetitive trauma injury to her right elbow and that she had disability from July 23 through December 30, 2002. The hearing officer also determined that the date of injury is _____. The hearing officer stated that he added an issue regarding date of injury because "the stipulation of the parties was inconsistent with the uncontroverted evidence." Appellant (carrier) appealed the determinations regarding injury, date of injury, and disability on sufficiency grounds. Carrier also contended that the hearing officer erred in adding an issue regarding date of injury and "rejecting the stipulation" regarding date of injury. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends that the hearing officer erred in adding an issue regarding date of injury. There was no issue regarding whether claimant timely reported her injury. Even if the hearing officer erred in adding the issue, such did not constitute reversible error.

We have reviewed the complained-of determinations regarding injury, date of injury, and disability and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **PACIFIC INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**PARKER W. RUSH
1445 ROSS AVENUE, SUITE 4200
DALLAS, TEXAS 75202-2812.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Michael B. McShane
Appeals Panel
Manager/Judge